

### **NOTICE OF FORECLOSURE SALE**

Notice is hereby given of a public non-judicial foreclosure sale.

1. **Property To Be Sold.** The property to be sold is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

2. **Date, Time, and Place of Sale.** The sale is scheduled to be held at the following date, time, and place:

**Date:** September 1, 2020

**Time:** The sale shall begin no earlier than 10:00 A.M. or no later than three hours thereafter. The sale shall be completed by no later than 4:00 P.M.

**Place:** GALVESTON County Courthouse in Galveston, Texas in the first floor lobby of the Galveston County Courthouse, 722 Moody, Galveston, Texas, or if the preceding area is no longer the designated area, at the area most recently designated by the County Commissioner's Court, pursuant to 51.002 of the Texas Property Code as the location and address where the sale is to be held. The sale shall take place in the area designated by the Commissioners Court, pursuant to Section 51.002 of the Texas Property Code, as the place where foreclosure sales are to take place. If no place is designated by the Commissioners Court, sale will be conducted at the place where the Notice of Trustee's Sale was posted.

3. **Terms of Sale:** The sale will be conducted as a public auction to the highest bidder for cash, subject to the provisions of the deed of trust permitting the beneficiary thereunder to have the bid credited to the note up to the amount of the unpaid debt secured by the deed of trust at the time of sale. Those desiring to purchase the property will need to demonstrate their ability to pay cash on the day the property is sold. If a purchaser desires to pay with cashier's checks, they should be made payable to Anderson Vela, L.L.P. or endorsed in accordance with the instructions by the Trustee. The purchase price in a sale held by the undersigned herein is payable immediately on acceptance of the bid by the undersigned trustee or substitute trustee. The sale will be made expressly subject to any title matters set forth in the deed of trust, but prospective bidders are reminded that by law the sale will necessarily be made subject to all prior matters of record affecting the property, if any, to the extent that they remain in force and effect and have not been subordinated to the deed of trust. For the avoidance of doubt, the Foreclosure Sale will not cover any part of the Property that has been released of public record from the lien and/or security interest of the Deed of Trust. Prospective bidders are strongly urged to examine the applicable property records to determine the nature and extent of such matters, if any. Pursuant to section 51.0075(a) of the Texas Property Code, Substitute Trustee reserves the right to set further reasonable conditions for conducting the Foreclosure Sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by Substitute Trustee. If the Foreclosure Sale is passed, notice of the date of any rescheduled foreclosure sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code.

4. The Deed of Trust may encumber both real and personal property. Notice is hereby given of Holder's election to proceed against and sell both the real property and any personal property described in the Deed of Trust in accordance with the Holder's rights and remedies under the Deed of Trust and Section 9.604 of the Texas Business and Commerce Code.

5. Pursuant to section 51.009 of the Texas Property Code, the property will be sold in "as is, where is" condition, without any express or implied warranties, except as to the warranties of title (if any) provided for under the deed of trust. Prospective bidders are advised to conduct an independent investigation of the property.

Pursuant to section 51.0075 of the Texas Property Code, the trustee reserves the right to set further reasonable conditions for conducting the sale. Any such further conditions shall be announced before bidding is opened for the first sale of the day held by the trustee or any substitute trustee.

6. Type of Sale. The sale is a non-judicial deed of trust lien and security interest foreclosure sale being conducted pursuant to the power of sale granted by the Deed of Trust/Security Instrument ("Deed of Trust") executed by James D. Plowman a/k/a James Darney Plowman and Elise Plowman (Pro Forma) ("Debtor"). Said Deed of Trust secures a Promissory Note/Loan Agreement, and any renewals, extensions or modifications thereof, dated January 12, 2007 and executed by Debtor in the Original Principal Amount of \$75,000.00. The current beneficiary of the Deed of Trust is BCMB1 Trust, 323 Fifth Street, Eureka, CA 95501. The Deed of Trust is dated January 12, 2007, designating Patricia A. Fields as the Original Trustee and is recorded in the office of the County Clerk of GALVESTON County, Texas, under Instrument No. 2007010261, of the Real Property Records of GALVESTON County, Texas. The foreclosure of this mortgage is being administered by a mortgage servicer representing the mortgagee under a servicing agreement. Questions concerning the sale may be directed to the undersigned, Richard E. Anderson, 4920 Westport Drive, The Colony, Texas 75056, who sent this notice, or to the mortgage servicer, SN Servicing Corporation, 323 Fifth Street, Eureka, CA 95501.

7. Default and Request To Act. Default has occurred under the deed of trust, and the beneficiary has requested me, as Substitute Trustee, to conduct this sale. Notice is given that before the sale the beneficiary may appoint another person substitute trustee to conduct the sale.

8. **Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.**

DATED AUGUST 10, 2020



Steve Leva, Sandy Dasigenis, Jeff Leva, Lillian Poelker,  
Richard E. Anderson, Ray Vela, or Cesar DeLaGarza

4920 Westport Drive  
The Colony, Texas 75056  
214.276.1545 - telephone  
214.276.1546 - facsimile  
Substitute Trustees



EXHIBIT "A"

The description of 4.00 acres being a part of the Lemuel Crawford Survey Tract 23 Abstract No. 48, page 29 Galveston County, Texas, and being a part of that certain called 711.55 acres described as Tract 1, (recorded in Film Code 009-24-0768, Galveston County Deed Records, said 4.00 acres being more fully described by meets and bounds as follows;

COMMENCING at a concrete monument marked "USN #211", said point being in the South line of Jay Road and being the a found 5/8 inch iron rod in the Northeast corner of the 2.5 acre Lori Nelson tract (recorded in Film Code 009-46-1587, Galveston County Deed Records.

BEGINNING South 86 degrees 29 minutes 43 seconds West, along the South line of said Jay Road and with the North line of Christopher and Sharon R. Cruz tract a distance of 217.72 feet to a found 5/8" iron rod for the corner Being the POINT OF BEGINNING of the herein described tract.

THENCE South 02 degrees 21 minutes 38 seconds East, along the West line of said Cruz tract, a distance of 500.33 feet to a found 5/8 inch iron rod being the Southwest corner of said Cruz tract.

THENCE South 86 degrees 28 minutes 28 seconds West, along the South line of a City of Hitchcock Drainage Easement, a distance of 348.32 feet to a set 1 inch iron pipe being the Southeast corner of the Lori Nelson tract (2002-01-5657 Galveston County Deed Record)

THENCE North 02 degrees 21 minutes 38 seconds West, a distance of 500.46 feet to a set 1 inch iron pipe being the Northeast corner of said nelson tract and the Southeast corner of Jay Road.

THENCE North 86 degrees 29 minutes 43 seconds East, along the south line of Jay Road, a distance of 348.32 feet to the POINT OF BEGINNING. of the herein described 4.00 acres of land, more or less.

## FILED

Instrument Number: *FILED2020001153*

Filing Fee: 23.00

Number Of Pages:4

Filing Date: 08/10/2020 11:48AM

I hereby certify that this instrument was FILED on the date and time stamped hereon  
and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink that reads "Dwight D. Sullivan". The signature is written in a cursive style with a horizontal line underneath it.

Dwight D. Sullivan, County Clerk  
Galveston County, Texas

**DO NOT DESTROY** - *Warning, this document is part of the Official Public Record.*